

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LAMAR A. LENOIR,	:	Case No. 1:17-cv-586
Plaintiff,	:	
	:	
	:	District Judge Timothy S. Black
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
	:	
OHIO DEPARTMENT OF	:	
REHABILITATION AND	:	
CORRECTION, <i>et al.</i> ,	:	
Defendants.	:	

ORDER ADOPTING THE REPORT AND RECOMMENDATION

This civil case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to the reference, the Magistrate Judge reviewed the relevant pleadings and, on August 16, 2019, submitted a Report and Recommendation, recommending that Defendants’ motion for judgment on the pleadings be granted and Plaintiff’s complaint be dismissed with prejudice. (Doc. 47). Plaintiff filed objections to the Report and Recommendation on August 29, 2019. (Doc. 48).¹

¹ “The filing of objections provides the district court with the opportunity to consider the *specific* contentions of the parties and to correct any errors immediately.” *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) (emphasis added). “A party’s objections are not sufficiently specific if they merely restate the claims made in the initial petition, ‘disput[e] the correctness’ of a report and recommendation without specifying the findings purportedly in error, or simply ‘object[] to the report and recommendation and refer[] to several of the issues in the case.’” *Bradley v. United States*, No. 18-1444, 2018 WL 5084806, at *3 (6th Cir. Sept. 17, 2018) (quoting *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)). In other words, “[t]he filing of vague, general, or conclusory objections does not meet the requirement of specific objections and is tantamount to a complete failure to object.” *Cole v. Yukins*, 7 F. App’x 354, 356 (6th Cir. 2001). Here, Plaintiff objects to the Magistrate Judge’s findings on both the question of waiver and *res judicata*. (Doc. 48). Notably, the Magistrate Judge found in favor of Plaintiff as to the issue of waiver. (Doc. 47 at 5-9) (“the Court concludes that plaintiff did not waive his right to

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court determines that the Report and Recommendation (Doc. 47) should be, and is hereby, adopted in its entirety. Accordingly:

1. Plaintiff's objections to the Report and Recommendations (Doc. 48) are **OVERRULED**;
2. The Report and Recommendation (Doc. 47) is **ADOPTED**;
3. Defendants' motion for judgment on the pleadings (Doc. 36) is **GRANTED**;
4. Plaintiff's complaint (Doc. 3) is **DISMISSED with prejudice**;
5. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court; and
6. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith and, therefore, this Court **DENIES** Plaintiff leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 9/3/2019

s/ Timothy S. Black
Timothy S. Black
United States District Judge

file this federal lawsuit ...) (emphasis added). As to *res judicata*, the case law Plaintiff cites is inapplicable to the legal issue at bar, nor are Plaintiff's factual vague assertions based on the actual circumstances of the instant case. In short, Plaintiff's objections amount to general disagreement with the conclusion of the Report and Recommendation and an attempt to reassert his prior arguments. Such objections do not amount to "specific written objections" to the Report and Recommendation. Fed. R. Civ. P. 72(b)(2) (emphasis added). Moreover, upon *de novo* review, the Court finds that the Magistrate Judge's recommendations are thorough and accurate, and, accordingly, **Plaintiff's objections are overruled**.